

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

IN RE: John R. Lear; Marina K. Lear

Debtor(s),

Chapter 13

Case No. 15-32609

Judge Bruce W. Black

NOTICE OF MOTION

TO: SEE ATTACHED ADDRESSES

PLEASE TAKE NOTICE THAT ON January 29, 2016 at 10:00 AM, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Bruce W. Black, U.S. Bankruptcy Judge, 150 West Jefferson Street, 2nd Fl, Joliet, Illinois and shall then and there present the attached Motion, at which time you may appear if you so desire.

CERTIFICATION

I, the undersigned Attorney, Certify that I served a copy of this Notice to the Addresses attached by Electronic Notice through ECF or by depositing the same at the U.S. Mail at 1 North Dearborn, Chicago, Illinois 60602 at 5:00 P.M. on January 15, 2016, with proper postage prepaid.

*THESE DOCUMENTS ARE AN
ATTEMPT TO COLLECT A DEBT AND
ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE*

Pierce & Associates, P.C.
/s/ Toni Townsend
Toni Townsend
ARDC# 6289370
1 N. Dearborn St. Suite 1300
Chicago, IL 60602
(312) 346-9088

251546-17674

NOTICE OF MOTION ADDRESSES

To Trustee:

Glenn B. Stearns

801 Warrenville Rd

Suite 650

Lisle, IL 60532

by Electronic Notice through ECF

To Debtor:

John R. Lear, and Marina K. Lear

301 Adams St.

Yorkville, IL 60560

by U.S. Mail

To Attorney:

Charles L. Magerski

900 Jorie Boulevard Suite 150

Oak Brook, IL 60523

by Electronic Notice through ECF

Pierce & Associates, P.C.

Attorney For: Creditor

1 N. Dearborn St. Suite 1300

Chicago, IL 60602

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MOTION TO MODIFY THE AUTOMATIC STAY

NOW COMES JPMorgan Chase Bank, National Association, by and through its attorneys, Pierce & Associates, P.C., and requests that the Automatic Stay heretofore entered on the property located at 301 Adams St., Yorkville, IL 60560, be Modified, stating as follows:

1. On September 24, 2015, the above captioned Chapter 13 was filed.
2. On November 20, 2015, the above captioned Chapter 13 was confirmed.
3. JPMORGAN CHASE BANK, NATIONAL ASSOCIATION services the first mortgage lien on the property located at 301 Adams St., Yorkville, IL 60560.
4. Debtor's plan calls for the surrender of the property commonly known as 301 Adams St., Yorkville, IL 60560.
5. JPMORGAN CHASE BANK, NATIONAL ASSOCIATION continues to be injured each day it remains bound by the Automatic Stay.
6. JPMORGAN CHASE BANK, NATIONAL ASSOCIATION is not adequately protected.
7. The property located at 301 Adams St., Yorkville, IL 60560 is not necessary for the debtor's reorganization.
8. The debtor has no equity in the property for the benefit of unsecured creditors.
9. JPMorgan Chase Bank, N.A. services the loan on the property referenced in this Motion for Relief. In the event the automatic stay in this case is lifted/set aside, this

case dismisses, and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgage property, the foreclosure will be conducted in the name of JPMorgan Chase Bank, N.A. Said entity, directly or through an agent, has possession of the promissory note. The promissory note is either made payable to said entity or has been duly endorsed.

10. No cause exists to delay the enforcement and implementation of relief and Bankruptcy Rule 4001(a)(3) should be waived.

WHEREFORE, YOUR MOVANT respectfully prays that the Automatic Stay on the property located at 301 Adams St., Yorkville, IL 60560, be modified, and that Bankruptcy Rule 4001(a)(3) be waived as not applicable, and leave be granted to JPMORGAN CHASE BANK, NATIONAL ASSOCIATION to proceed with foreclosure, and for such other and further relief as this Honorable Court deems just.

JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION

/s/Toni Townsend
Toni Townsend
ARDC#6289370

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